

## **EXHIBIT 16**

### **Excerpts from Deposition Transcript of Jared Rosenberg**

1                               IN THE UNITED STATES DISTRICT COURT  
2                               MIDDLE DISTRICT OF NORTH CAROLINA  
3                               EASTERN DIVISION  
4                               Civil Action No.: 1:14-CV-00954-LCB-JLW  
5                               -----  
6                               STUDENTS FOR FAIR ADMISSIONS, INC.,  
7                               Plaintiff,  
8                               vs.  
9                               UNIVERSITY OF NORTH CAROLINA, et al.,  
10                              Defendants.  
11                              -----

12                              DEPOSITION OF  
13                              JARED ROSENBERG  
14                              September 14, 2016  
15                              9:00 a.m.  
16                              University of North Carolina  
17                              110 Bynum Hall  
18                              222 East Cameron Avenue  
19                              Chapel Hill, North Carolina  
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1     that we're right where we need to be in-state and  
2     over admitted by 200 out-of-state and we need to  
3     pull back those decisions.

4           Q.     In your experience in the admissions  
5     office, is there a tendency to have over admitted  
6     or under admitted?

7           A.     There's been a tendency -- the long-term  
8     trend, the tendency is to over admit the  
9     out-of-state because there's so few spaces for  
10    out-of-state, and those applicants are so stellar,  
11    that it's hard to say no to some of them, so we --  
12    that's the tendency.

13                   In-state it kind of flows up and down.  
14    Sometimes we have room to pull up, sometimes we'll  
15    have to pull down. It varies from deadline to  
16    deadline and year to year, so --

17           Q.     What's the source of the name of this,  
18    the School Group Review?

19           A.     Sure. So when we review the decisions,  
20    there's two goals in mind. One is to shift a  
21    batch of decisions to get us to the overall target  
22    number of admits and the other is to maintain some  
23    consistency within schools and to look for any  
24    errors that have been made by readers, so just  
25    human error.

1                   So what will happen is, if we go to --  
2   let's say we're in the In-state School Group  
3   Review, we will go ahead and we will -- if the  
4   idea is that we have to -- I don't know -- pull  
5   back 100 decisions. So let's say we've over  
6   admitted by 100 and we're going to go and look for  
7   100 to pull back, we'll do it by school. So we'll  
8   look at each school's decisions individually, and  
9   we will look for decisions that we may be able to  
10   change within the context of that school, and we  
11   will also look for any errors that might have been  
12   made.

13                  For example, the number one kid in the  
14   class, with stellar marks was denied, and you go  
15   in and look and realize it's human error.  
16   Somebody typed in the wrong decision.

17                  But for the most part, we'll adjust  
18   decisions accordingly within a school. We simply  
19   want to be able to discuss them with counselors if  
20   they call. It's not -- we don't admit, admit,  
21   admit, and then suddenly change to wait list or  
22   defer and then deny. It's never that easy or neat  
23   looking. But it does give our senior group a  
24   chance to go through decisions and make sure we're  
25   comfortable with what we've done and we'll adjust

1 decisions as we go along.

2 Q. Is it batched by school for the sake of  
3 convenience or because those are the people who  
4 are going to have direct knowledge of one another  
5 and you're more likely to call their counselor?

6 MR. SCUDDER: Object to the form.

7 A. It is -- it's really more so for  
8 consistency. So if you have a large high  
9 school -- well, it doesn't have to be large, if  
10 you just have a high school in North Carolina,  
11 let's say, and we have 60 applicants from that  
12 high school, we want to be able to look at those  
13 decisions and if a counselor were to call and say,  
14 "Why did David get in but John didn't?" we want to  
15 be able to look at that and go, "Let me explain to  
16 you what the subtle differences were," versus, "I  
17 don't know. Why did we not admit David?"

18 So we will look at it within a school  
19 and we will make some adjustments for consistency  
20 as well. So we want to make sure that we have  
21 read everyone fairly within the context of their  
22 school environment with, sometimes, an over  
23 arching goal of looking to pull people up or pull  
24 people down.

25 BY MR. STRAWBRIDGE:

1 Q. One link away?

2 A. You just click on the name. The toolkit  
3 itself for the school group, there's a PDF  
4 printout. But once you go into one name, you can  
5 bring up an electronic version of it, and you just  
6 click on the name and it opens it up.

7 Q. Is that a piece of information that you  
8 have had occasion to look at when you were doing a  
9 School Group Review before?

10 A. Yes.

11 Q. And to what purpose?

12 MR. SCUDDER: Objection.

13 A. The -- in terms of what purpose would I  
14 be looking at the ethnicity?

15 BY MR. STRAWBRIDGE:

16 Q. Yes.

17 A. Again, part of the entire review process  
18 and it's a factor that we can consider, just like  
19 I'll be looking at whether they're first  
20 generation college, whether they're fee waiver  
21 students, and reading the ratings and comments  
22 that other readers have provided.

23 Q. Prior to decisions being released  
24 publicly in any given cycle, what steps, if any,  
25 are taken to determine the racial composition of

1 the admitted class?

2 A. Right. So that -- excuse me -- that is  
3 typically when we'll have our first glance at what  
4 the makeup is of the student body. So it will be  
5 before the decisions are released but after the  
6 School Group Review has been done. And then the  
7 class profile that we come up with will be at the  
8 end of the summer when we actually have our  
9 enrolled group.

10 So what we're looking at, in between the  
11 conclusion of school group and just before  
12 decision release, is our own data to see what the  
13 class looks like and to put together, perhaps, a  
14 press release about our decision release.

15 Q. Is that demographic data ever used as a  
16 reference point to making adjustments to the  
17 admitted class?

18 A. No, because it's really not even  
19 available to us. The folks that are doing the  
20 school group don't have it at that time that  
21 they're doing school group.

22 Q. Is there any further adjustment made to  
23 the admission decisions after the School Group  
24 Review by anybody in the office?

25 A. Yes. There can always be a last-minute